TRANSMITTAL OF APPEAL BRIEF (Large Entity)	Docket No. 55692 (70551)

In Re Application Of: **T. Nomura, et al.**

Serial No. 09/786,737	Filing Date June 6, 2001	Examiner D. Esplin	Group Art Unit 2851

Invention:

MOTION PICTURE EDITING METHOD AND MOTION PICTURE EDITING APPARATUS

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on **February 4, 2003**

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Applicant(s): T. Nomura, et al.

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Invention:

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I hereby certify that this   Amended Appeal Brief Pursuant to 37 C.F.R. Section 1.192(d)

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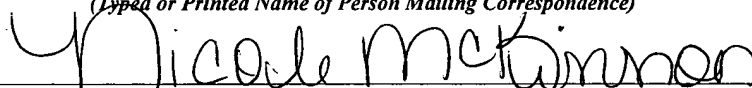
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Attorney Docket No. 70551/55692

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANTS: T. Nomura, et al.

U.S.S.N.: 09/786,737   **GROUP**: 2851

FILED: June 6, 2001   **EXAMINER**: D. Esplin

FOR: MOTION PICTURE EDITING METHOD AND MOTION PICTURE EDITING APPARATUS

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**BOARD OF PATENT APPEALS
AND INTERFERENCES**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDED APPEAL BRIEF PURSUANT TO 37 C.F.R. §1.192(d)

Applicant submits herewith an Amended Brief in response to the Notification of Non-compliance mailed on July 3, 2003 for the above-identified application. In the Notification of Non-compliance, the Examiner asserts that the Summary of the Invention section of the Appeal Brief filed on April 8, 2003 is defective because it does not include a reference to page and line numbers in the specification. In the Amended Appeal Brief submitted herewith, Applicant has added references to line number and page numbers to the Summary of the Invention section.

Therefore, Applicant respectfully submits that this Amended Appeal Brief now satisfies 37 C.F.R. § 1.192(c).

The Examiner also asserts that since claims 2, 3, 9-13, 15-18 and 20 are described as being separately patentable, these claims also must be described in the Summary of the Invention section. Applicant respectfully submits that MPEP Section 1206 does not require the Summary of the Invention section to separately describe each of the claims asserted to be separately patentable. However, in the interests of advancing prosecution, and in order to better enable the Board to understand the claimed invention and determine where the claimed invention is described in the specification, Applicant has added to the Summary of the Invention section a brief description of the subject matter of claims 2, 9-11, 13, 16, 18 and 20. Applicant submits that the Summary of the Invention presented in the Appeal Brief filed on April 8, 2003 included a description of the invention described in claims 3, 12, 15 and 17.

Three copies of this Amended Brief are enclosed, as is a check in the amount of $110.00, which represents the required fee for a one-month extension of time.

If any further fee(s) in connection with the submission of this Appeal Brief is/are required, or if any fee(s) paid herein is/are either inadequate or, instead, represent(s) an overpayment, Appellant hereby authorizes and specifically requests that such fee(s) be charged and/or credited to Deposit Account No. **04-1105** as necessary.

I. REAL PARTY IN INTEREST

The real party in interest for purposes of this appeal is Sharp Kabushiki Kaisha. The assignment of the present application to Sharp Kabushiki Kaisha was recorded in the United States Patent and Trademark Office on June 6, 2001, on Reel 011924 at Frame 0951.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to either Appellants, Appellants' legal representatives or the Assignee that will directly affect, be directly affected by, or have any bearing upon the Board's decision in the present Appeal.

III. STATUS OF CLAIMS

Claims 1-4 and 8-20 are finally rejected in the September 4, 2002 Office Action. Accordingly, claims 1-4 and 8-20 are pending on Appeal.

IV. STATUS OF THE AMENDMENTS

No amendments to the claims have been made after the final rejection of September 4, 2002.

A clean set of all of the claims pending in this Appeal is included in the attached Appendix.

V. SUMMARY OF THE INVENTION

The present invention is directed to a motion picture editing apparatus and method for editing motion picture data output from a motion picture file stored on recording medium (see page 1, lines 6-10). More particularly, the present invention is directed to the problem created when the multimedia data is edited and a new edited multimedia data must be created and stored independently of the unedited multimedia data body. This makes it necessary to have extremely

large working areas for editing and extremely large storage areas to store the edited multimedia

data (see page 6, lines 21-29).

As shown in Fig. 24 of the present application, a conventional playback apparatus for

playing multimedia information files such as motion picture data includes a time stamp read part

1 for reading a time stamp included in each packet header from a desired multimedia information

file, a playback timer 2 for starting the counting of a timer based upon playback instruction of a

user, a compare part 3 for comparing the time stamp read by the time stamp read part 1 with the

timer counted by the playback timer 2, and a playback control part 4. The playback control part

4 outputs the multimedia information when the timer time is greater than or equal to the time

stamp, as shown in Step 24 of Fig. 25. In this conventional apparatus, when the multimedia data

body is edited by temporal cut and paste, such as extraction, division, and connection, a new

edited multimedia data body must be created and stored independently of the unedited

multimedia data body. Therefore, in the conventional apparatus, extremely large areas are

required to store the edited multimedia data (see page 5, line 27 – page 6, line 29).

The present invention provides a motion picture editing method and motion picture

editing apparatus that can minimize the storage area required to store the edited multimedia data.

The present invention achieves this objective by specifying a playback range and a playback time

of the playback range, and appending information for managing the specified playback range and

playback time to an area of the recording medium other than the motion picture data body on the

recording medium (see page 7, lines 24-33).

As shown in Figs. 1 and 4A of the present application, the motion picture editing

apparatus of the present invention edits motion picture data output from a motion picture data

body 111 stored on a recording medium 101. As shown in Fig. 6, the motion picture editing

apparatus includes a playback object file extract part 12 that extracts a desired playback range

having a prescribed playback time from the motion picture data file 111. The editing apparatus

also includes a file creation part 17 that stores information for managing the extracted playback

range and the playback time of the playback range in an area other than the motion picture data

body on the recording medium 101 as edit information 112. As shown in Fig. 4A, edit

information corresponding to a multimedia data file 111 is recorded as an independent edit

information file 112 that is separate from the multimedia information file 111 (see page 12, line

13 – page 13, line 6).

An additional feature of the present invention, as recited in claim 2, is to change the time

management information in the output motion picture data on the basis of the edit information

and create a new motion picture file (see page 8, lines 9-11).

An additional feature of the present invention, as recited in claim 9, is that the motion picture editing apparatus specifies a plurality of playback ranges, and continuously plays the plurality of playback ranges (see page 24, line 17 – page 25, line 21).

An additional feature of the present invention, as recited in claim 10, is that the motion picture editing apparatus includes playback means that includes compare means for comparing the specified playback time calculated in a playback time adjustment means with a time counted by a playback timer and control means outputting motion picture data of the specified range in the motion picture file on the basis of a result of comparison in the compare means (see page 19, line 14 – page 20, line 12; and page 22, lines 12-16).

An additional feature of the present invention, as recited in claim 11, is that the motion picture editing apparatus comprises time management information change means for changing the time management information in the motion picture data output from the control means to the playback time calculated in a playback time adjustment means (see page 22, lines 12-16).

An additional feature of the present invention, as recited in claims 13, 18 and 20, is that a new motion picture file including the motion picture data and the edit information appended to the motion picture data is created (see page 8, lines 9-11).

An additional feature of the present invention, as recited in claim 16, is that the motion picture editing apparatus comprises time management information change means for changing the time management information in the motion picture data output from the control means to the playback time calculated in the playback time adjustment means (see page 9, lines 23-26).

VI. ISSUE ON APPEAL

The issue on Appeal is whether claims 1-4 and 8-20 are anticipated by U.S. Patent No. 5,786,814 (Moran) under 35 U.S.C. § 102(b).

VII. GROUPING OF THE CLAIMS

For the purpose of this appeal, claims 1, 4, 8, 14 and 19 stand or fall together.

Claim 2 is separately patentable.

Claim 3 is separately patentable.

Claim 9 is separately patentable.

Claim 10 is separately patentable.

Claim 11 is separately patentable.

Claim 12 is separately patentable.

Claim 13 is separately patentable.

Claim 15 is separately patentable.

Claim 16 is separately patentable.

Claim 17 is separately patentable.

Claim 18 is separately patentable.

Claim 20 is separately patentable.

VIII. ARGUMENT

Claim 1-4 and 8-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,786,814 (Moran).

In order to anticipate a claim, a single prior art reference must contain all of the elements of a claim. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 221 USPQ 81, 90 (Fed. Cir. 1986).

The inventions recited within pending claims 1-4 and 8-20 are not anticipated by Moran, and that this fact is convincingly demonstrated by the prosecution record for this application, in which the Examiner has failed to establish a *prima facie* case of anticipation that would support the rejection of claims 1-4 and 8-20 under 35 U.S.C. § 102(b).

A. Claims 1, 4, 8, 14 and 19

As presented in the amendments filed on August 15, 2002 and January 6, 2003, Moran does not teach or suggest to append "information for managing the specified playback range," and/or "information for managing a playback time" to an area of the recording medium "other than the motion picture data body on said recording medium," as recited by the independent claims.

This feature is recited in independent claims 1, 4, 8, 14 and 19. Specifically, independent claim 1, recites:

> 1. A motion picture editing method editing motion picture data played and output from a motion picture file stored on a recording medium and having a motion picture data body formed by arranging time management information and motion picture data corresponding to said time management information in temporal order, said method comprising steps of:
> previously specifying at least one playback range in the motion picture file and a playback time of said playback range;
> **appending information for managing the specified playback range and the playback time of the playback range to an area other than said motion picture data body on said recording medium** as edit information; and
> outputting motion picture data of the specified range in said motion picture file at said specified time on the basis of said time management information and said edit information.

Similarly, independent claim 4 recites:

4. A motion picture editing method editing motion picture data played and output from a motion picture file stored on a recording medium and having a motion picture data body formed by arranging time management information and motion picture data corresponding to said time management information in temporal order, said method comprising steps of:

previously specifying at least one playback range in said motion picture file and a playback time of said playback range;

appending information for managing the specified playback range and the playback time of the playback range to an area other than said motion picture data body on said recording medium as first edit information:

defining an edit result in said motion picture file on the basis of said time management information and said first edit information;

further specifying at least one playback range in said edit result and a playback time of said playback range;

appending information for managing the specified playback range and the playback time of the playback range to an area other than said motion picture data body on said recording medium as second edit information; and

outputting motion picture data of the specified range in said motion picture file at the specified time on the basis of time management information in said edit result and said second edit information.

Independent claim 8 recites:

8. A motion picture editing apparatus editing motion picture data played and output from a motion picture file stored on a recording medium and having a motion picture data body formed by arranging time management information and motion picture data corresponding to said time management information in temporal order, comprising:

means specifying a desired playback range and a playback time of said playback range;

means extracting specific information of said specified playback range and said playback time information;

means creating edit information on the basis of said extracted specific information and playback time information and recording said edit information in an area other than said motion picture data body on said recording medium; and

playback means playing said playback range at said specific time on the basis of said edit information.

Independent claim 14 recites:

14. A motion picture playback apparatus playing a motion picture file stored on a recording medium and having a motion picture data body formed by arranging time management information and motion picture data corresponding to said time management information in temporal order, comprising:

edit information read means reading edit information appended to an area other than said motion picture data body on said recording medium and including information for managing a playback time of said motion picture data;

time management information read means reading time management information in said motion picture data;

playback time adjustment means carrying out a prescribed operation on the time management information read in said time management information read means and calculating a specified playback time on the basis of the information for managing the playback time read in said edit information read means;

compare means comparing the specified playback time calculated in said playback time adjustment means with a time counted by a playback timer; and

control means outputting motion picture data in said motion picture file at the specified time on the basis of a result of comparison in said compare means.

Independent claim 19 recites:

19. A motion picture editing method appending to a motion picture data body stored on a recording medium and formed by time management information and motion picture data corresponding to said time management information in temporal order **edit information including information for managing a playback time of said motion picture data** and creating a new motion picture file, said method comprising steps of:

preparing said edit information; and

appending said edit information to an area other than said motion picture data body on said recording medium.

This feature of appending "information for managing the specified playback range,"

and/or "information for managing a playback time" to an area of the recording medium "other

than the motion picture data body on said recording medium," as recited by the independent

claims, makes it possible to minimize the amount of storage area required to store the edited

multimedia data. This feature is neither taught nor suggested by Moran.

In response to these arguments, the Examiner asserted that Moran teaches that a display

system having three separate types of data: events, timestreams, and sessions. The Examiner

asserts that the timestreams and events are stored in a session analyzer 104. Relying on column

15, lines 28-37, the Examiner asserts that the session and event data are stored in a timestream

data base and the timestream data is stored in the bulk timestream storage. Specifically, in the

Office Action mailed on September 4, 2002 (see page 3, lines 1-10), the Examiner asserted:

> Moran teaches that the display system described therein contains three
> separate types of data, Events, Timestreams, and Sessions (col. 6 lines 60-
> 62). Timestreams are defined as timestamped media data, or a motion
> picture data body, captured on a capture device 102A (col. 6 lines 27-28),
> while Events contain information about the timestream and are captured
> using the capture device 102C (col. 13 lines 25 and 26). The two <u>different</u>
> types of storage are eventually stored in the session storage analyzer 104,
> which is actually a name given to different physical storage devices and is
> managed by different components of the Timestream Architecture.
> Specifically the Session and Event data (appended information) is stored
> in a Timestream Database, and the Timestream Data (motion picture data
> body) is stored in the Bulk Timestream Storage (col. 15 lines 28-37).

Also, in the Office Actions mailed on May 17, 2002 and September 4, 2002, the

Examiner asserted that Moran discloses a computer controlled display system in which events

such as important points or a change of a scene are indexed (relying on column 5, lines 29-36).

The Examiner also asserts that the events are characterized by start time, duration, and type

(relying on column 6, lines 63-67). The Examiner further asserted that Moran teaches that the

display system includes a graphical user interface that provides the user with easy access (relying

on column 5, line 59 – column 6, line 1). Specifically, in the Office Action mailed on May 17,

2002 (see bottom of page 2 through top of page 3) and in the Office Action mailed on September 4, 2002 (see middle of page 2) the Examiner asserted:

> Moran discloses a computer controlled display system using correlated graphical and timeline interfaces for controlling the replay of temporal data. According to the method presented in the system of Moran, events, such as important points or a change of scene, are indexed (col. 5 lines 29-36). The information representing these events consists of a start time, a duration, a type, and properties, and are stored separate from the video, audio, etc. data (col.6 lines 63-67). These events are then represented to a user in the form of a graphical interface so as to provide the user with easy access (col.5 line 59-col.6 line 1). These graphical interface, representing specific events, provide a means for extracting information about the events.

Also, during the telephone interview conducted with the undersigned on December 6, 2002, Examiner Esplin indicated that the Events of Moran correspond to the "information for managing the specified playback range and playback time" of the claimed invention. Examiner Esplin indicated that support for this definition of the "Events" of Moran is found in column 6, lines 30-33, column 6, lines 63-67, and information contained in columns 13-17.

However, Moran does not teach or suggest appending information for managing the specified playback range and playback time to an area of the recording medium other than the motion picture data body on the recording medium, as recited by all of the independent claims. As presented above, in the Office Actions mailed on May 17, 2002 and September 4, 2002, the Examiner alleges that this inventive feature is taught in column 6, lines 63-67 of Moran. However, this section of Moran merely teaches that Events consist of a start time, a duration, a type and possible properties that depend on a type. **The Events of Moran are substantially different than the "information for managing the specified playback range and playback time" of the present claimed invention.** The Events of Moran represent an <u>actual occurrence</u> recorded by a capture device, such as a switch in speakers or writing on a whiteboard (see

column 6, lines 30-32). For example, Moran teaches that the capture device can be an electronic whiteboard. In this example, the Event could be the changing of the page on the whiteboard. Moran also teaches that the capture device could be the button of a slide projector, in which the Event would be the changing of the slides (see column 13, lines 25-33). As an additional example, Moran teaches to use an audio recorder or personal computer as the capture device, in which the Events are the segments when a certain participant is speaking, or when a certain participant is taking notes, respectively (see column 21, line 36 – column 22, line 21). Also, in Moran, because the Events include various media types such as audio, writing and video, the type of the Event must be specified, as presented in column 6, lines 63-65.

In contrast, the "information for managing the specified playback range and the playback time," (claims 1 and 4) "said specified playback range and said playback time information," (claim 8) and "information for managing a playback time" (claims 14 and 19) recited in the present claims has nothing to do with an actual occurrence. Therefore, this information can be recorded without the capture device and can define the playback range or playback time independently of the capture device. For example, the present invention can define the playback range having a start point corresponding to the time when a person starts speaking and an end point corresponding to the time 5 minutes after a person as finished speaking. The type of the media device is not required to store the "information for managing the specified playback range and playback time" because the claimed invention only specifies the region of the moving picture data.

Also, in Moran, the Events are occurring simultaneously with the time stream data. Whereas, in the present invention, the "information for managing the specified playback range and playback time" can be defined afterwards.

Further, Moran teaches a system for controlling the playback of a recorded session, such as a meeting (see column 3, lines 13-15). Specifically, one object of the Moran is to create index points during the recorded event in order to gain access to particular portions of the recorded event (see column 5, lines 29-36). The present invention has no relationship to the "index" points disclosed in Moran.

Therefore, the Events of Moran do not correspond to the "information for managing the specified playback range and playback time" of the present invention. Accordingly, Moran does not teach or suggest to append information for managing the specified playback range and playback time to an area of the recording medium other than the motion picture data body on the recording medium, as recited by independent claims 1, 4, 8, 14 and 19.

Therefore, since Moran fails to teach or suggest each and every element of claims 1, 4, 8, 14, and 19, claims 1, 4, 8, 14 and 19 are not anticipated by Moran. Since claims 2, 3, 9-13, 15-18 and 20 depend on at least one of claims 1, 4, 8, 14 and 19, these claims also are not anticipated by Moran. Thus, the rejection of claims 1-4 and 8-20 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

B. Claim 2

Claim 2 depends on claim 1. Claim 2 is not anticipated by Moran for the reasons presented above with respect to claim 1. In addition, Moran does not teach or suggest the step of "changing the time management information in said output motion picture data on the basis of edit information and creating a new motion picture file," as recited by claim 2. The Examiner has presented no information or argument in the Office Actions dated May 17, 2002 and September 4, 2002 to the effect that Moran teaches this feature of claim 2. Therefore, the Examiner has failed to form a prima facie case of anticipation under 35 U.S.C. § 102(b) for claim

2. Thus, the rejection of claim 2 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

C. Claim 3

obv. Claim 3 depends on claim 1. Claim 3 is not anticipated by Moran for the reasons presented above with respect to claim 1. In addition, Moran does not teach or suggest the step of "appending edit information including information for managing the playback time for said output motion picture data to an area other than the motion picture data body on said recording medium and creating a new motion picture file," as recited by claim 3. The Examiner has presented no information or argument in the Office Actions dated May 17, 2002 and September 4, 2002 to the effect that Moran teaches this feature of claim 3. Therefore, the Examiner has failed to form a prima facie case of anticipation under 35 U.S.C. § 102(b) for claim 3. Thus, the rejection of claim 3 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

D. Claim 9

Claim 9 depends on claim 8. Claim 9 is not anticipated by Moran for the reasons presented above with respect to claim 8. In addition, Moran does not teach or suggest to specify "a plurality of said playback ranges," and a playback means that "continuously plays said plurality of playback ranges," as recited by claim 9. The Examiner has presented no information or argument in the Office Actions dated May 17, 2002 and September 4, 2002 to the effect that Moran teaches these features of claim 9. Therefore, the Examiner has failed to form a prima facie case of anticipation under 35 U.S.C. § 102(b) for claim 9. Thus, the rejection of claim 9 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

E. Claim 10

Claim 10 depends on claim 8 or 9. Claim 10 is not anticipated by Moran for the reasons presented above with respect to claims 8 and 9. In addition, Moran does not teach or suggest the "play back means" defined by claim 10. The Examiner has presented no information or argument in the Office Actions dated May 17, 2002 and September 4, 2002 to the effect that Moran teaches these features of claim 10. Therefore, the Examiner has failed to form a prima facie case of anticipation under 35 U.S.C. § 102(b) for claim 10. Thus, the rejection of claim 10 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

F. Claim 11

Claim 11 depends on claim 10. Claim 11 is not anticipated by Moran for the reasons presented above with respect to claim 10. In addition, Moran does not teach or suggest a "time management information change means changing the time management information in the motion picture data output from said control means to the playback time calculated in said playback time adjustment means " as defined by claim 11. The Examiner has presented no information or argument in the Office Actions dated May 17, 2002 and September 4, 2002 to the effect that Moran teaches these features of claim 11. Therefore, the Examiner has failed to form a prima facie case of anticipation under 35 U.S.C. § 102(b) for claim 11. Thus, the rejection of claim 11 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

G. Claim 12

Claim 12 depends on claim 10. Claim 12 is not anticipated by Moran for the reasons presented above with respect to claim 10. In addition, Moran does not teach or suggest to

append "edit information including information for managing the playback time for the motion picture data output from said control means to an area other than the motion picture data body on said recording medium," as recited by claim 12. The Examiner has presented no information or argument in the Office Actions dated May 17, 2002 and September 4, 2002 to the effect that Moran teaches this feature of claim 12. Therefore, the Examiner has failed to form a prima facie case of anticipation under 35 U.S.C. § 102(b) for claim 12. Thus, the rejection of claim 12 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

H. Claim 13

Claim 13 depends on claim 12. Claim 13 is not anticipated by Moran for the reasons presented above with respect to claim 12. In addition, Moran does not teach or suggest to create a "new motion picture file including said motion picture data and the edit information appended to said motion picture data," as defined by claim 13. The Examiner has presented no information or argument in the Office Actions dated May 17, 2002 and September 4, 2002 to the effect that Moran teaches this feature of claim 13. Therefore, the Examiner has failed to form a prima facie case of anticipation under 35 U.S.C. § 102(b) for claim 13. Thus, the rejection of claim 13 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

I. Claim 15

Claim 15 depends on claim 14. Claim 15 is not anticipated by Moran for the reasons presented above with respect to claim 14. In addition, Moran does not teach or suggest to append edit information for managing the specified playback time to an area of the recording medium other than the motion picture data body, wherein "said edit information includes information for managing at least one playback range in said motion picture file and a playback

time of said playback range," as recited by claim 15. The Examiner has presented no information or argument in the Office Actions dated May 17, 2002 and September 4, 2002 to the effect that Moran teaches this feature of claim 15. Therefore, the Examiner has failed to form a prima facie case of anticipation under 35 U.S.C. § 102(b) for claim 15. Thus, the rejection of claim 15 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

J. Claim 16

Claim 16 depends on claim 14. Claim 16 is not anticipated by Moran for the reasons presented above with respect to claim 14. In addition, Moran does not teach or suggest a "time management information change means changing the time management information in the motion picture data output from said control means to the playback time calculated in said playback time adjustment means," as defined by claim 16. The Examiner has presented no information or argument in the Office Actions dated May 17, 2002 and September 4, 2002 to the effect that Moran teaches these features of claim 16. Therefore, the Examiner has failed to form a prima facie case of anticipation under 35 U.S.C. § 102(b) for claim 16. Thus, the rejection of claim 16 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

K. Claim 17

Claim 17 depends on claims 14 or 15. Claim 17 is not anticipated by Moran for the reasons presented above with respect to claims 14 and 15. In addition, Moran does not teach or suggest to append "edit information including the playback time for the motion picture data output from said control means to an area other than the motion picture data body on said recording medium," as recited by claim 17. The Examiner has presented no information or argument in the Office Actions dated May 17, 2002 and September 4, 2002 to the effect that

Moran teaches this feature of claim 17. Therefore, the Examiner has failed to form a prima facie case of anticipation under 35 U.S.C. § 102(b) for claim 17. Thus, the rejection of claim 17 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

L. Claim 18

Claim 18 depends on claim 17. Claim 18 is not anticipated by Moran for the reasons presented above with respect to claim 17. In addition, Moran does not teach or suggest to create a "new motion picture file including said motion picture data and the edit information appended to said motion picture data," as defined by claim 18. The Examiner has presented no information or argument in the Office Actions dated May 17, 2002 and September 4, 2002 to the effect that Moran teaches this feature of claim 18. Therefore, the Examiner has failed to form a prima facie case of anticipation under 35 U.S.C. § 102(b) for claim 18. Thus, the rejection of claim 18 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

M. Claim 20

Claim 20 depends on claim 19. Claim 20 is not anticipated by Moran for the reasons presented above with respect to claim 19. In addition, Moran does not teach or suggest to include edit information including information for managing a playback time of motion picture data in a new motion picture file, as defined by claim 20. The Examiner has presented no information or argument in the Office Actions dated May 17, 2002 and September 4, 2002 to the effect that Moran teaches this feature of claim 20. Therefore, the Examiner has failed to form a prima facie case of anticipation under 35 U.S.C. § 102(b) for claim 20. Thus, the rejection of claim 20 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.

Therefore, since Moran fails to teach or suggest each and every element of claims 1-4 and 8-20, claims 1-4 and 8-20 are not anticipated by Moran. Thus, the rejection of claims 1-4 and 8-20 under 35 U.S.C. § 102(b) is improper, and Appellant respectfully submits that this rejection be withdrawn.
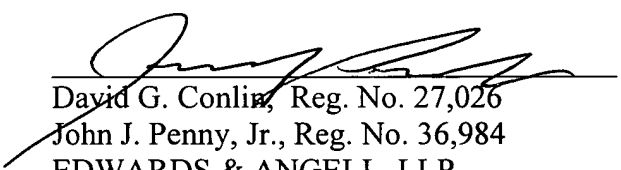
IX. CONCLUSION

It is respectfully submitted that for the foregoing reasons, the Examiner's final rejection of claims 1-4 and 8-20 under 35 U.S.C. § 102(b) is not supportable based on the evidence already entered into the present record. Accordingly, a reversal of the currently outstanding Final Rejection of claims 1-4 and 8-20 of the subject application is respectfully requested.

Respectfully submitted,

Date: 8|5|03

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APPENDIX – CLAIMS ON APPEAL

1. A motion picture editing method editing motion picture data played and output from a motion picture file stored on a recording medium and having a motion picture data body formed by arranging time management information and motion picture data corresponding to said time management information in temporal order, said method comprising steps of:

previously specifying at least one playback range in the motion picture file and a playback time of said playback range;

appending information for managing the specified playback range and the playback time of the playback range to an area other than said motion picture data body on said recording medium as edit information; and

outputting motion picture data of the specified range in said motion picture file at said specified time on the basis of said time management information and said edit information.

2. The motion picture editing method according to claim 1, further comprising a step of changing the time management information in said output motion picture data on the basis of said edit information and creating a new motion picture file.

3. The motion picture editing method according to claim 1, further comprising a step of appending edit information including information for managing the playback time for said output motion picture data to an area other than the motion picture data body on said recording medium and creating a new motion picture file.

4. A motion picture editing method editing motion picture data played and output from a motion picture file stored on a recording medium and having a motion picture data body formed by arranging time management information and motion picture data corresponding to said time management information in temporal order, said method comprising steps of:

previously specifying at least one playback range in said motion picture file and a playback time of said playback range;

appending information for managing the specified playback range and the playback time of the playback range to an area other than said motion picture data body on said recording medium as first edit information:

defining an edit result in said motion picture file on the basis of said time management information and said first edit information;

further specifying at least one playback range in said edit result and a playback time of said playback range;

appending information for managing the specified playback range and the playback time of the playback range to an area other than said motion picture data body on said recording medium as second edit information; and

outputting motion picture data of the specified range in said motion picture file at the specified time on the basis of time management information in said edit result and said second edit information.

8. A motion picture editing apparatus editing motion picture data played and output from a motion picture file stored on a recording medium and having a motion picture data body formed by arranging time management information and motion picture data corresponding to said time management information in temporal order, comprising:

means specifying a desired playback range and a playback time of said playback range;

means extracting specific information of said specified playback range and said playback time information;

means creating edit information on the basis of said extracted specific information and playback time information and recording said edit information in an area other than said motion picture data body on said recording medium ; and

playback means playing said playback range at said specific time on the basis of said edit information.

9. The motion picture editing apparatus according to claim 8, wherein
said specify means specifies a plurality of said playback ranges, and
said playback means continuously plays said plurality of playback ranges.

10. The motion picture editing apparatus according to claims 8 or 9, wherein said playback means includes:

edit information read means reading information for managing at least one playback range in the motion picture file and a playback time of said playback range, playback object file extract means extracting a prescribed motion picture file on the basis of the information for managing the playback range read in said edit information read means,

time management information read means reading time management information in motion picture data included in the motion picture file extracted in said playback object file extract means,

playback time adjustment means carrying out a prescribed operation on the time management information read in said time management information read means and calculating a specified playback time on the basis of the information for managing the playback time read in said edit information read means,

compare means comparing the specified playback time calculated in said playback time adjustment means with a time counted by a playback timer and

control means outputting motion picture data of the specified range in said motion picture file on the basis of a result of comparison in said compare means.

11. The motion picture editing apparatus according to claim 10, further comprising time management information change means changing the time management information in the motion picture data output from said control means to the playback time calculated in said playback time adjustment means.

12. The motion picture editing apparatus according to claim 10, further comprising edit information appending means appending edit information including information for managing the playback time for the motion picture data output from said control means to an area other than the motion picture data body on said recording medium.

13. The motion picture editing apparatus according to claim 12, wherein a new motion picture file including said motion picture data and the edit information appended to said motion picture data is created.

14. A motion picture playback apparatus playing a motion picture file stored on a recording medium and having a motion picture data body formed by arranging time management information and motion picture data corresponding to said time management information in temporal order, comprising:

edit information read means reading edit information appended to an area other than said motion picture data body on said recording medium and including information for managing a playback time of said motion picture data;

time management information read means reading time management information in said motion picture data;

playback time adjustment means carrying out a prescribed operation on the time management information read in said time management information read means and calculating a specified playback time on the basis of the information for managing the playback time read in said edit information read means;

compare means comparing the specified playback time calculated in said playback time adjustment means with a time counted by a playback timer; and

control means outputting motion picture data in said motion picture file at the specified time on the basis of a result of comparison in said compare means.

15. The motion picture playback apparatus according to claim 14, wherein
said edit information includes information for managing at least one playback range in said motion picture file and a playback time of said playback range.

16. The motion picture playback apparatus according to claim 14 or 15, further comprising time management information change means changing the time management information in the motion picture data output from said control means to the playback time calculated in said playback time adjustment means.

17. The motion picture playback apparatus according to claim 14 or 15, further comprising edit information appending means appending edit information including the playback time for the motion picture data output from said control means to an area other than the motion picture data body on said recording medium.

18. The motion picture playback apparatus according to claim 17, wherein a new motion picture file including said motion picture data and the edit information appended to said motion picture data is created.

19. A motion picture editing method appending to a motion picture data body stored on a recording medium and formed by time management information and motion picture data corresponding to said time management information in temporal order edit information including information for managing a playback time of said motion picture data and creating a new motion picture file, said method comprising steps of:

preparing said edit information; and

appending said edit information to an area other than said motion picture data body on said recording medium.

20. The motion picture editing method according to claim 19, wherein said edit information is included in said new motion picture file.